

U.S. Patent Appln. No. 10/562,111

Docket No. 7202-102

Amendment

Response to Office Action dated November 12, 2008

AMENDMENTS TO THE DRAWINGS

Replacement Figures 1-6 are attached hereto. No new matter is added.

Attachment: Six replacement sheets

REMARKS

These amendments and remarks are in response to the Office Action dated November 12, 2008. This amendment is timely filed.

In the Office Action, objections were raised to the drawings. Claims 1-5 were rejected under 35 U.S.C. §103(a). The objections and rejections are discussed in more detail below.

I. Objections to the Drawings

The drawings were objected to under 37 CFR 1.121(d) as being informal drawings. Formal drawings are filed herewith.

II. Rejections to the claims based upon Art

Claims 1-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2006/0208687 to Takeoka et al. (hereafter "*Takeoka*") in view of U.S. Patent Publication No. 2006/0187683 to Hsieh et al. (hereafter "*Hsieh*").

Applicant notes that the present application is a §371 national phase application of a PCT application filed on June 24, 2004 which in turn claims priority to an EP application filed on June 23, 2003. A priority document was filed during the PCT international phase, and priority is thus validly claimed for this application.

Takeoka is a §371 national phase application of a PCT application filed on November 16, 2004 which in turn claims priority to a JP application filed on January 5, 2004. As the *Takeoka* PCT application was published in Japanese, the relevant date for determining its prior art date under §102(e) is the §371 date of January 30, 2006. The prior art date of *Takeoka* for the purposes of §102(a) and §102(b) is the PCT publication date of July 21, 2005. *Takeoka* is thus not prior art to the present application.

Similarly, *Hsieh* is a utility application that was filed on August 4, 2005, claiming priority to a TW application filed on February 23, 2005, and was published on August 24, 2006. Its prior art date under §102(e) is August 4, 2005 and its prior art date under §§102(a) and 102(b) is August 24, 2006. *Hsieh* is not prior art to the present application.

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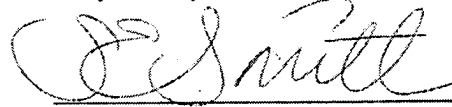
All of the relevant prior art dates for *Takeoka* and *Hsieh* are not only after the validly claimed priority date for the present application, they are also after the filing date of June 24, 2004. Withdrawal of the rejections is appropriate, and should a second Office Action be issued on the basis of other prior art, such Office Action should not be made final

III. Conclusion

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Date: 2/11/09

Respectfully submitted,



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